RECENT IMPORTANT DECISIONS

BAILMENTS—CARRIERS—CONVERSION—TROVER BY BAILEE (A COMMON CARRIER) AGAINST A THIRD PERSON.—On the facts as stated by the court of last resort it is often difficult to discover why any action should ever have been thought of, and impossible to see how the judgment of the trial court should have been in favor of the preposterous claim of the plaintiff. Such seems to be the case of *Farmers' Cotton Oil Co.* v. *Atlanta & St. A. B. Ry. Co.* (Ala. 1918), 79 So. 387. Plaintiff carrier by mistake delivered cotton seed to defendant company. Defendant by mistake, not even negligent mistake it would appear, received and used the cotton seed and paid the freight. The consignor and his vendee called off the sale, and defendant paid to the consignee the full or agreed price for the seed. The carrier then demanded the seed of defendant, and without offering to return the freight money now brings trover!

That a bailee may in proper case sue a third person for conversion of the bailed chattel; that such bailee as agent may sue to recover back his principal's property delivered to a third person by mistake; that a carrier who delivers the goods to the wrong party is absolutely liable and may be sued in trover; and that one may be guilty of conversion though he acted in good faith, and without knowledge of the true ownership of the goods, are all principles too well settled to need citation of authority. See, however, Mr. Freeman's monographic note to *Bolling* v. *Kirby*, 90 Ala. 215, 25 Am. S. R. 789, and *Stephens* v. *Elwall*, 4 M. & S. 259, *Pacific Express Co.* v. *Shearer*, 160 Ill. 215. It may be admitted that a bailee may maintain detinue or trover against a third person who has fraudulently or wrongfully induced the bailee to deliver to him the goods of the bailor, or who receiving the goods innocently now wrongfully retains them. *Walker* v. *L. & N. R. Co.*, 111 Ala. 233. But this cannot be extended to a case like the present, where the third person has settled with both bailor and bailee all their just claims for the goods and their carriage.

BOUNDARIES — ACCRETION OR AVULSION. — In an action of ejectment the plaintiff's right to recovery turned on whether the land in question was in Arkansas. Prior to 1873 the principal and navigable channel of the Mississippi River swept in a curve toward Arkansas around the land in dispute; across the peninsula of Mississippi land formed by this curve there was a chute through which in times of high water some water flowed. Gradually this chute increased in volume of water carried and finally, after many years, it became the main channel. *Held*, that the state line had not moved to the chute, hence the land sued for was not in Arkansas. *Davis* v. *Anderson-Tulley Co.* (C. C. A., 8th Circ., 1918), 252 Fed. 681.

When the boundary line between states is a navigable stream the rule of the *thalweg* applies, and the line is the middle of the main navigable channel. *Arkansas* v. *Tennessee*, 246 U. S. 158. The same rule ought to apply as between private owners. In case of shifting of this line by accretion and